

Brian Carter

Name

185 W 12 St Suite D #132

Address

Ogden, Utah, 84404

City, State, Zip

(801)-686-3847

Phone

briancarter0020@gmail.com

Check your email. You will receive information and documents at this email address.

Email

I am ☒ Petitioner ☐ Respondent
☐ Petitioner's Attorney ☐ Respondent's Attorney (Utah Bar #: _____)
☐ Petitioner's Licensed Paralegal Practitioner
☐ Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

3rd

Judicial District Salt Lake County

Court Address 450 S State St, Salt Lake City, UT 84111

BRIAN CARTER

Petitioner

WEBER COUNTY CORRECTIONAL
FACILITY, ASSISTANT J. WEBSTER,
V. CORPORAL R. TURNER, and
LIEUTENANT DRIGGS

Respondent

Caleb Jackson
Paralegal, Mylar Law P.C.

Counter Motion to

RESPONSE TO MOTION FOR
DEFAULT JUDGMENT

(name of motion)
(Utah Rule of Civil Procedure 101)

☐ **Hearing Requested**

230904326

Case Number

Joseph Bean

Judge

Commissioner

I am filing this Counter Motion in response to ☐ petitioner's ☒ respondent's
Motion to RESPONSE FOR DEFAULT JUDGEMENT, filed 11/14/2023 (date).

1. I ask the court to enter an order as follows:
(Write **what** you want the court to order)
I would like the court to grant default judgement and to decline proposed offer to extend deadline to respond to amended complaint.
Due to defendant filing in the wrong court and not answering i would like my default judgement granted for no paperwork from the defendant is valid for it is filed in the 2nd district court instead of the 3rd being untimely filing.
2. I ask for this order because:
(Explain **why** you want the court order.)
I ask the court to deny extension due to the fact that the defendant did not answer original complaint on 07-25-23 and is in default for judgement nor was their proposal signed also amended complaint was on 09-20-23 and defendant still failed to answer in subsequent allowed 21 days rendering application in default. Asking for extension after due date which is illegal passing 21 days.
3. ☒ The motion is supported by the law because:
(List any statutes, ordinances, rules or appellate opinions that support/oppose the motion. For example, Utah Code 15-1-201, or Utah Rules of Civil Procedure 67. Explain why they support the motion.)
Utah R Civ P.12a rules a defendant must serve an answer within 21 days
If the defendant does not file an answer or an appropriate motion within that time, the plaintiff may ask the court to enter a default judgment. The plaintiff wins for party has not done what is required of them in the time allowed.
4. ☐ I request a hearing.
☒ I do not request a hearing.
5. ☒ I have attached the following documents in support of this motion:
original complaint with responce not met by defendant as well as amended complaint where defendant failed to answer in allowed time asking for extension after allowed time to answer instead of before time was up with extension as proposal and not signed by court or judge being clearly in default of judgement in the plaintiffs favor.

Plaintiff/Petitioner or Defendant/Respondent

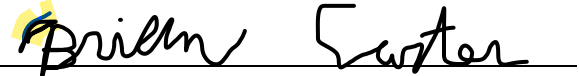
I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at Ogden, Utah (city, and state or country).

11/15/2023

Date

Signature ►



Printed Name

BRIAN CARTER

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Signature ►

Date

Printed Name

Certificate of Service

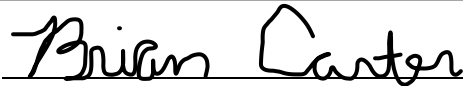
I certify that I filed with the court and am serving a copy of this Counter Motion on the following people.

Person's Name	Service Method	Service Address	Service Date
FRANK MYLAR JR for J. Webster	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-filed <input checked="" type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)	2100 Depot Dr, Ogden, Utah,84404	11/15/2023
WEBER COUNTY CORRECTIONAL, Corporal R Turner, Lieutenant Driggs, et al.	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-filed <input checked="" type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)	office@mylarlaw.com (801)858-0700	11/15/2023
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

11/15/2023

Date

Signature ►



Printed Name

BRIAN CARTER